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Message Text

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45
ORIGIN EA-14

INFO OCT-01 ADP-00 L-03 CIAE-00 INR-10 NSAE-00 RSC-01

SCS-03 SCA-01 H-02 PM-09 /044 R

DRAFTED BY AF/ JACI: LT. COL. NTHORPE: EM
04/27/73 X 21221
APPROVED BY EA/ PHL: REUSHER
OSD/ GC: HALMOND (DRAFT)
L/ EA: OTJOHNSON (DRAFT)
EA/ PHL: RTWILLNER
---------- 067533
R 301433 Z APR 73
FM SECSTATE WASHDC
TO AMEMBASSY MANILA
INFO CSAF JACI
CINCPAC SJA
13 TH AF SJA
CINCPACREPPHIL SJA
405 TH CSG

C O N F I D E N T I A L STATE 080783

E. O. 11652: GDS
TAGS: MARR, RP
SUBJ: FCJ CASE, SGT. CHARLES AGEE

REFS: A. 405 CSGP MSG 190836 Z MAR 73
B. MANILA 4561 (DTG 230843 Z APR 73)

1. REF A REPORTS SGT. KIPPENBROCK (USAF, RETIRED) WAS DEPORTED BUT CHARGES WERE BROUGHT AGAINST SGT. CHARLES B. COLEY, ARISING OUT OF PC INVESTIGATION OF IMPORTATION BY KIPPENBROCK OF FIREARMS, WITH POSSIBLE COMPLICITY BY COLEY. WE HAVE NO INFORMATION ON FACTUAL BACKGROUND OF AGEE CASE. REQUEST YOUR EVALUATION WHETHER AGEE WAS ENGAGED IN SELLING FIREARMS " EMANATING FROM U. S. BASES," OR WHETHER ON OTHER HAND HE MERELY FAILED TO COMPLY WITH
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MORE STRINGENT REGISTRATION REQUIREMENTS OF NEW MARTIAL

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LAW DECREES.

2. REF A INDICATES FILES FORWARDED TO EMBASSY WITH REQUEST THAT REPRESENTATIONS BE MADE TO GOP REGARDING RECALL BY JUSTICE SECRETARY OF WAIVER OF JURISDICTION PREVIOUSLY GRANTED BY HIS ASSISTANT. WHAT REPRESENTATIONS HAVE BEEN MADE TO GOP AND WHAT RESPONSES HAVE BEEN RECEIVED?

3. DEPT' S PRELIMINARY VIEW RE QUESTION STATED PARA 4 REF B IS THAT QUESTIONS OF DOMESTIC PHILIPPINE LAW WHICH

ARE RAISED BY AGEE' S PETITION ARE NOT PROPER SUBJECT FOR OFFICIAL COMMENT BY USG AND WE DO NOT DESIRE TO COMMENT TO THE COURT. HOWEVER, TO EXTENT USG RIGHTS AND EXPECTATIONS UNDER EXISTING AGREEMENTS ARE INVOLVED IN THE CASE, WE ARE INTERESTED IN IT AND WE SHOULD COMMUNICATE OUR VIEWS TO GOP. ALTHOUGH, AS REF A INDICATES, WE APPARENTLY NEVER RECEIVED FORMAL WRITTEN NOTICE OF WAIVER, WE ARE DISAPPOINTED OVER LACK OF CONSULTATION IN REVERSAL OF PHIL GOVT DECISION OF PARTICULAR INTEREST TO U. S.

4. IN ORDER ASSIST IN FORMULATION USG VIEWS REQUESTED PARA 4 REF B, REQUEST FOLLOWING INFO ASAP:
A. REPORT OF FACTS LEADING TO CHARGES AGAINST AGEE.
B. IN WHAT COURT ARE CHARGES PENDING AGAINST SGT. CHARLES B. COLEY?
C. WHAT CHARGES ARE PENDING AGAINST AGEE AND COLEY, I. E., WHAT ARTICLE OF PHIL PENAL CODE WAS ALLEGEDLY VIOLATED?
D. WHAT SPECIAL EFFORTS, IF ANY, WERE MADE TO OBTAIN WAIVER IN AGEE CASE.
E. TO WHAT EXTENT, IF AT ALL, ARE MARTIAL LAW TRIBUNALS, DECREES OR PROCEDURES INVOLVED IN COLEY AND AGEE CASES?

5. DEFENSE CONCURS. ROGERS

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NMAFVVZCZ

*** Current Handling Restrictions *** n/a
*** Current Classification *** CONFIDENTIAL

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Subject: FCJ CASE, SGT. CHARLES AGEE
TAGS: MARR, RP, (AGEE, CHARLES)
To: 13 TH AF SJA
405 TH CSG
CINCPAC SJA
CINCPACREPPHIL SJA
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MANILA
Type: TE

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